

REGULAR CITY COUNCIL MEETING
JANUARY 24, 1994

PRESENT

Don Dafoe	Mayor
Gayle Bunker	Council Member
Alan Burraston	Council Member
Robert Dekker	Council Member
Robert Droubay	Council Member

ABSENT

Rex Harris	Council Member
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OTHERS PRESENT

Dorothy Jeffery	City Recorder
Richard Waddingham	City Attorney
Neil Forster	Public Works Director
Alan Riding	Asst. Public Works Director
Steve Lester	Flying Club
Mr. & Mrs. Carl Anderson	Sugarloafers Motorcycle Club
Andy Thompson	City Resident
Judy Baker	Treasurer
Greg Schafer	City Employee
C. B. Tolbert	Flying Club
Michael Shaw	Mountain Fuel
Brad Christensen	Sugarloafers Motorcycle Club

Mayor Dafoe called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as secretary. Mayor Dafoe stated that notice of the meeting time, place and agenda was posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle/Progress, KNAK Radio Station, and to each member of the City Council by personal delivery two days prior to the meeting.

Council Member Robert Droubay offered an invocation, after which Mayor Dafoe led the Council in the Pledge of Allegiance.

MINUTES

The proposed minutes of a Regular City Council Meeting held January 10, 1994, were presented for consideration and approval. The Council reviewed the minutes briefly, after which Council Member Robert Droubay MOVED that the minutes be approved as presented. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the

motion. There being none, he called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member Robert Dekker MOVED that the accounts payable be approved for payment as listed in the amount of \$68,190.35. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

UNFINISHED BUSINESS

ANDY THOMPSON, CITY RESIDENT: REQUEST TO COVER OPEN DRAIN ON 350 EAST

Mayor Don Dafoe welcomed Andy Thompson and asked him to address the City Council regarding a request for improvements on 350 East Street.

Andy Thompson addressed the City Council and explained that it was his understanding that the City Council had agreed that if he would fill in the open drain north of the Middle School property on 350 East Street, deed property to the City to make the street 60 feet wide and obtain property from Quin Shepherd to extend the street to the north, the City would then widen the road, asphalt, install curb and gutter and take care of the power lines.

Mr. Thompson said he has had the west side of the street surveyed. He also talked to Mr. Shepherd and he did not want to sell his property but he is willing to grant an easement.

Council Member Robert Droubay stated that as a City Councilman, he has probably led Mr. Thompson to believe that he was in favor of the proposal. However, he said that after researching the issue he is retracting from his previous position and does not feel that the City Council can deviate from the Subdivision Ordinance.

The City Council reminded Mr. Thompson that it had never made a formal commitment to accept Mr. Thompson's plan. No motion has ever been made or vote taken to accept his proposal.

Lengthy discussion was held regarding Delta City's Subdivision Ordinance and the fact that the subdivision ordinance specifically puts the burden on the developer to construct and pay for the improvements.

Councilman Robert Dekker and Councilman Gayle Bunker spoke in opposition to Mr. Thompson's proposal and said that they were not willing to violate the Subdivision Ordinance.

Attorney Richard Waddingham said that he has always been in opposition to the City filling the open drain, inasmuch as the drain fronted the property. If this particular request were granted by the City Council, he felt that the City would be setting a dangerous precedent.

Following further discussion, Council Member Gayle Bunker MOVED that Andy Thompson be required to meet the requirements of the Subdivision Ordinance and make the necessary improvements required and that Delta City pave the street to the curb and gutter. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

NEW BUSINESS

COUNCIL MEMBER ROBERT DROUBAY: DISCUSSION ON NEIGHBORHOOD PARK SOFTBALL FIELD

Mayor Dafoe asked Council Member Robert Droubay to discuss with the City Council the Neighborhood Park softball field.

Council Member Robert Droubay said that it has been suggested to him that since the Delta High School baseball practice fields will not be available this Spring that the fields at the Neighborhood Park be developed into playing fields for Little League teams and Babe Ruth teams.

Mr. Droubay said that Millard County is willing to participate in developing the fields as a trade off for their use. The following changes were recommended:

1. Leave as a dirt infield rather than sod.
2. Move light pole.
3. Extend hood on backstops.
4. Cement dugouts.

Millard County will stand the expense of moving the light pole and they will develop the fields with their groomer. The City will then be responsible for extending the hoods, cementing the dugouts and maintaining the fields.

CARL ANDERSON, SUGARLOAFERS MOTORCYCLE CLUB: MOTORCYCLE RACE ON CITY STREETS

Mayor Don Dafoe welcomed Carl Anderson, Sugarloafers Motorcycle Club and asked him to discuss a motorcycle race to be held on Delta City's streets.

Carl Anderson presented the following letter for City Council's approval.

The Sugarloafers are planning the 2nd Annual Delta City Grand Prix. We are asking for input or questions the residents might have about the event. The race will be on Saturday, April 23rd from 9:00 AM to 3:00 PM. We plan to run the exact same course as last year and there will also be a short motorcycle parade on Main Street just prior to the start.

The Sugarloafers are grateful for the community support of last years race. We believe the race will improve, grow, and be even better this year.

The Sugarloafers are proud to be a part of the community, and we believe that these events are beneficial to the local economy. Come support the race and the community.

Please direct any questions or comments to the Delta City Office.

Mr. Anderson requested the City Council's approval of the proposed race course and to publish the above letter in the Millard County Chronicle/Progress.

Following discussion, Council Member Alan Burraston MOVED to tentatively approve the race course using Delta City streets and to publish the above letter in the local newspaper. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

STEVE LESTER, CITY RESIDENT: FLYING CLUB REQUESTS USE OF BUILDING AT AIRPORT (FAA BUILDING)

Mayor Don Dafoe asked Steve Lester to address the City Council regarding a request to use Delta City's building at the airport.

Steve Lester said that he is a member of a local flying club and the club is requesting Delta City's permission to use the former FAA building as a meeting place and as a place to keep their equipment and supplies. Mr. Lester said that club's funds are limited but they would be willing to clean up the building and paint it if the City will supply the paint.

Discussion was held regarding the power, water, furnace, etc. in the building.

Following discussion, Council Member Gayle Bunker MOVED to table this item until an evaluation of the building has been done. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion.

There being none, he called for a vote. The motion passed unanimously.

Steve Lester then requested City Council's approval to place a 500 gallon unleaded fuel tank next to the FAA building for the flying club's use.

Following further discussion, Council Member Robert Droubay MOVED to table discussion of this issue to allow time for further review of the impact of a fuel tank vs. purchasing aviation fuel, liability, etc. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any further comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

PUBLIC WORKS DIRECTOR NEIL FORSTER: PROPOSED DISPOSAL OF CITY VEHICLES

Mayor Dafoe asked Public Works Director Neil Forster to discuss the disposal of City vehicles.

Public Works Director Neil Forster said that a 1985 Ford Ranger and a 1973 Chevrolet Bobtail Dump Truck are no longer being used by the Public Works Department and have been declared surplus. He requested Council's approval to advertise the two vehicles for bid with a \$1,500 minimum bid on the 1985 Ford.

Following brief discussion, Council Member Robert Droubay MOVED to authorize Neil Forster to dispose of the 1985 Ford Ranger and the 1973 Chevrolet Dump Truck with a minimum bid of \$1,500 on the Ford. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ATTORNEY RICHARD WADDINGHAM: RESOLUTION AUTHORIZING THE MAYOR TO SIGN PROTEST AFFECTING DELTA CITY MUNICIPAL WATER SUPPLY AND RATIFICATION OF PREVIOUS ACTION TAKEN BY THE MAYOR REGARDING THE SIGNING OF SUCH PROTESTS

Mayor Dafoe asked Attorney Richard Waddingham to present a resolution authorizing the Mayor to sign protests affecting Delta City Municipal water supply and ratification of previous action taken by the Mayor regarding the signing of a protest.

Attorney Richard Waddingham reviewed the proposed resolution which states that Delta City owns and operates a water distribution system for culinary and other municipal purposes for the benefit of Delta City residents. Delta City presently owns and operates five large wells to pump water as the sole supply for the municipal water system.

He further explained that it has been Delta City's policy to protest applications to appropriate water and change applications in point of diversion within the vicinity of the Delta City wells and the area of severe draw down in the Sevier Desert underground aquifers as identified by the Utah State Engineer.

The City Council desires that the Mayor be authorized to sign protests in response to applications to appropriate and change applications that could have an adverse impact on Delta City's wells and water supply. Therefore, that is the purpose of the following resolution entitled:

RESOLUTION NO. 94-224

A RESOLUTION AUTHORIZING THE DELTA CITY MAYOR TO SIGN PROTESTS ON BEHALF OF DELTA CITY CHALLENGING APPLICATIONS TO APPROPRIATE WATER AND CHANGE APPLICATIONS THAT MAY AFFECT THE DELTA CITY MUNICIPAL WELLS AND WATER SUPPLY.

Following discussion, Council Member Gayle Bunker MOVED to adopt Resolution No. 92-224 as presented. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Gayle Bunker	Yes
Council Member Alan Burraston	Yes
Council Member Robert Dekker	Excused
Council Member Robert Droubay	Yes
Council Member Rex Harris	Absent

Mayor Dafoe then signed the resolution. Mayor Dafoe's signature was attested to by City Recorder Dorothy Jeffery.

The City Council then ratified Mayor Dafoe's act of signing an affidavit of protest challenging Mike Turley's Change Application to change point of diversion of water within the red zone that is located approximately one and one-half miles south of Delta.

ATTORNEY RICHARD WADDINGHAM: PROPOSED ORDINANCE REGARDING FRANCHISE TAX FOR NATURAL GAS

Mayor Dafoe asked Attorney Richard Waddingham to present a proposed ordinance regarding franchise tax for natural gas.

Attorney Richard Waddingham explained that on or about March 18, 1991, the City Council passed Ordinance No. 91-132 granting Mountain Fuel Supply Company a non-exclusive franchise to construct, maintain and operate a distribution system for furnishing natural gas to all consumers within Delta City.

At that time the City Council agreed not to impose a franchise tax on Mountain Fuel Supply Company for a period of at least two years

from the date said franchise ordinance was enacted. However, the City Council now desires to impose a four percent (4%) franchise tax against Mountain Fuel Supply Company of the gross revenues derived from the sale and use of natural gas service.

Attorney Richard Waddingham then presented the following proposed ordinance entitled:

ORDINANCE NO. 94-156

AN ORDINANCE LEVYING A TAX ON THE GROSS REVENUE OF UTILITIES AND PROVIDERS OF NATURAL GAS SERVICES.

Mike Shaw, Mountain Fuel Supply Company, was in attendance and expressed opposition to the franchise tax. He said that it is an unfair tax and it is the only tax being charged on an energy source.

Council Member Gayle Bunker MOVED to adopt Ordinance No. 94-156 as presented, to be effective April 1, 1994. The motion was SECONDED by Council Member Alan Burraston. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Gayle Bunker	Yes
Council Member Alan Burraston	Yes
Council Member Robert Dekker	Excused
Council Member Robert Droubay	Yes
Council Member Rex Harris	Absent

Mayor Dafoe then signed the ordinance. Mayor Dafoe's signature was attested to by City Recorder Dorothy Jeffery.

MAYOR DON DAFOE: BOARD OF ADJUSTMENT MEMBER APPOINTMENTS

Mayor Dafoe explained that Rod Staples and Ron Petersen's terms on the Board of Adjustment expire the first Monday in March. He asked the City Council Members for their recommendation.

The City Council concurred that Rod Staples and Ron Petersen be reappointed to the Board of Adjustment if they will agree to serve another five-year term.

Mayor Dafoe will contact the two individuals and this item will be discussed further at a future meeting.

MAYOR DON DAFOE: DISPOSITION OF BLACK ROCK PROPERTY

Mayor Dafoe explained that Delta City owns a 40 acre parcel and a 200 acre parcel of property located at Black Rock. Delta City has owned the property since 1941 but the history is not clear as to why Delta City acquired the property.

Mayor Dafoe said that an individual contacted him and would like to purchase some of the property. He then asked the City Council for their recommendation.

It was the consensus of the City Council to table this item to allow for further research.

OTHER BUSINESS

Attorney Richard Waddingham expressed his concern to the City Council regarding certain acts taken by the Board of Adjustments. He explained that the Board of Adjustments is granting variances, and requiring property owners to acquire an easement from a neighbor in order to create a 10 foot buffer zone between the two properties. He said that the Board of Adjustments purpose for creating the buffer zone is for safety and fire protection reasons.

Attorney Waddingham said that the Board of Adjustments does not have the authority to create zones, and he has so advised the Board of that.

Mayor Dafoe presented the following letter from Brad Jensen, Real Estate Broker, regarding Underground Water Rights:

"I wanted to inform you that we are currently offering for sale her in Delta some 600 acre feet of underground water rights that have been appropriated for residential use with the appropriation just east of the Millard County Fairgrounds. It would seem that this is a rare opportunity for the city and county to secure adequate water rights for any future growth and development which could occur in the area over the next several years, particularly given the difficulty of obtaining water rights within the 3 mile radius of Delta City.

The individuals who own the water rights are asking \$250.00 per acre foot, however, I feel would be negotiable on this asking price. I would assume that they also be willing to sell a part of the water if the amount of purchase was economically feasible for them.

I would appreciate your consideration of this matter and look forward to hearing from you."

This issue was discussed but no Council action was taken.

Attorney Richard Waddingham recommended that the Planning Commission consider amending the Delta City Subdivision Ordinance to conform with State law in defining the term subdivision.

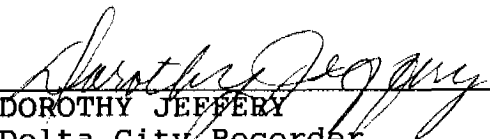
Council Member Gayle Bunker will advise the Planning Commission of this proposal.

Council Member Gayle Bunker recommended that signs be posted along the route to the Landfill Collection Site warning citizens against littering. Public Works Director Neil Forster will order the signs.

Mayor Dafoe asked if there were any comments, questions or items to be discussed. There being none, Council Member Gayle Bunker MOVED to adjourn. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously. Mayor Dafoe declared the meeting adjourned at 9:30 p.m.



DON DAFOE, Mayor



DOROTHY JEFFERY
Delta City Recorder

MINUTES APPROVED: RCCM 2-28-94